

REMARKS

I. Status of Claims

Claims 1, 5-7 and 9-14 are pending in the application.

Claim 1 is amended to recite that the ratio of the larger particle size to the smaller particle size in the bimodal peaks is less than or equal to 10.0. Support for the claim amendment can be found, for example, at Fig. 5 of fly ash A8.

No new matter is added.

Accordingly, Applicants respectfully request entry and consideration of the Amendment.

II. Response to Claim Rejection Under 35 U.S.C. § 112, first paragraph

Claims 1, 5-7 and 9-14 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description embodiment.

Applicants respectfully traverse, at least for the following reason.

Claim 1 is amended to recite that the ratio of the larger particle size to the smaller particle size in the bimodal peaks is less than or equal to 10.0, with support in the specification at, for example, Fig. 5 of fly ash A8. The value is also discussed by the Examiner at the paragraph bridging pages 2 and 3 of the Office Action dated July 29, 2011, and the Examiner agrees that the currently recited value is supported by the specification.

In view of the above, the Claim 1 has adequate written description support in the specification.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 112 rejection of Claim 1, and claims dependent thereon.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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CUSTOMER NUMBER

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